IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO : 1624 of 2005

Between:

1 The A.P.State Road Transport Corporation,

represented by its Managing Director,

Mushirabad, Hyderabad.

..... APPELLANTS

AND

Sharp Detective Pvt.Ltd.,

having its Office At G3,

C Block, Kubera Towers,

Trimulghery, Secunderabad

represented by its Managing Director,

Capt.D.K.Giri.

....RESPONDENT

JUDGMENT: (Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)

One of the conditions stipulated in the tender notification was that the Earnest Money Deposit (for short 'E.M.D') should be deposited by way of a Demand Draft. It was further stipulated that if the E.M.D is not furnished in the way it is specified, the money would be forfeited. The respondent deposited the EMD through a crossed cheque. He did not succeed in the tender, and the money has been, now, forfeited.

The learned single Judge allowed the writ petition and directed to refund the amount to the writ petitioner. We do not think that there is any illegality in the order passed by the learned single Judge. The condition itself appears to be bad, that if the money is not deposited in the mode suggested in the tender conditions, the money would be forfeited. The purpose of imposing such conditions is to comb out persons, who are not serious contestants or who do not have a financial back up. The purpose cannot be served only by giving a Demand Draft. It can
also be served by giving a cheque. We do not find any reason to interfere with the order passed by the learned single Judge.

Writ Appeal is, accordingly, dismissed. No costs.

(Bilal Nazki, A.C.J)

6th September, 2005

(R.Subhash Reddy, J)

LUR